

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Consolidated Case No. 3:09-CV-00627 (EMC)

OLIVIA GARDEN INTERNATIONAL,  
INC.,

Plaintiff,

vs.

HELEN OF TROY, L.P.,

Defendant.

Case No.: 3:09-CV-00627 (EMC)

HELEN OF TROY, L.P.,

Plaintiff,

vs.

OLIVIA GARDEN INTERNATIONAL,  
INC.,

Defendant.

Case No.: 3:09-CV-1520 (EMC)

**STIPULATED DISMISSAL AND  
[PROPOSED] ORDER**

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Olivia Garden International, Inc. ("Olivia Garden"), by and through its counsel of record, and Helen of Troy, L.P. ("Helen of Troy"), by and through its counsel of record, hereby stipulate that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Case No. 3:09-CV-00627 (EMC) and Case No. 3:09-CV-1520 (EMC), having been consolidated under Case No. 3:09-CV-00627 (EMC), including all of the claims and causes of action asserted, are hereby dismissed with prejudice in accordance with the terms of a written settlement agreement executed and entered by the parties. Each party is to bear its own costs and attorneys' fees in accordance with the parties' agreement.

Dated: August 12, 2009

MORGAN, LEWIS & BOCKIUS LLP

ROCHELLE D. ALPERT  
SHARON R. SMITH

By /s/ Sharon R. Smith  
Attorneys for Plaintiff  
OLIVIA GARDEN INTERNATIONAL, INC.

Dated: August 12, 2009

BURNHAM BROWN

JOHN J. VERBER  
MELISSA A. HORST

By /s/ Melissa A. Horst  
Attorneys for Defendant  
HELEN OF TROY, L.P.

**IT IS SO ORDERED.**

Dated: August 18, 2009

